

NOTICE OF PROPOSED RULE ADOPTION

STATE OF MISSISSIPPI MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS

BUREAU OF LAW ENFORCEMENT

MS Department of Wildlife, Fisheries and Parks
c/o Sam Polles, Ph.D., Executive Director
1505 Eastover Drive
Jackson, MS 39211-6374
(601) 432-2400
Sharon@mdwfp.state.ms.us

Specific Legal Authority authorizing the Promulgation of
Rule: 41-1-29-; 25-43.3.103
49-7-31; 49-7-38; 49-7-41

Reference to Rules repealed, amended or suspended by the
Proposed Rule: LE3-2280(I)

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:

Intent to adopt the following regulations concerning primitive weapons.

This rule is proposed as a ☒ Final Rule, and/or a ☐ Temporary Rule (Check one or both boxers as applicable.)

Persons may present their views on the proposed rule by addressing written comments to the agency at the above address. Persons making comments should include their name and address, as well as other contact information, and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Oral Proceeding:

Check one box below:

☐

An oral proceeding is scheduled on this rule on
Date: June 30, 2005
Time: 8:30 am
Place: 1505 Eastover Drive, Jackson, MS 39211

If you wish to be heard and present evidence at the oral proceeding you must make a written request to the agency at the above address at least five (5) days prior to the proceeding to be placed on the agenda. The request should include your name, address, telephone number as well as other contact information; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

☐ An oral proceeding is not scheduled on this rule. Where an oral proceeding is not scheduled, an oral proceeding will be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address and telephone number of the person(s) making the request; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Economic Impact Statement: Check one box below:


☒ The agency has determined that an economic impact statement is not required for this rule, or

☐ The concise summary of the economic impact statement required is attached.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Date Rule Proposed: June 30, 2005

Proposed Effective Date: 9-1-05


Sam Polles, Ph.D., Executive Director

MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS
1505 EASTOVER DRIVE
JACKSON, MISSISSIPPI 39205

PUBLIC NOTICE LE4-2280 (I)

TO: The Honorable Eric Clark
Secretary of State
P.O. Box 136
Jackson, MS 39205

AND

ALL INTERESTED PERSONS

The Mississippi Commission on Wildlife, Fisheries and Parks, at a meeting in Jackson, Mississippi on June 30, 2005 under authority of Section 25-43-3.103, Mississippi Code of 1972, made known its intent to adopt the following regulations concerning primitive weapons. This was done under authority of Sections 49-7-31, 49-7-38 and 49-7-41, Mississippi Code of 1972.

Public Notice LE3-2280 is hereby amended and the following rules and regulations are adopted:

“Primitive firearms,” for the purpose of hunting deer, are defined as single or double barreled muzzle-loading rifles of at least .38 caliber; single shot, breech loading, cartridge rifles (.38 caliber or larger) of a kind and type manufactured prior to 1900, and replicas, reproductions or re-introductions of those type rifles; and single or double-barreled muzzle-loading shotguns with single ball or slug. All muzzle-loading Primitive Firearms must use black powder or a black powder substitute with either percussion caps or #209 shotgun primers or flintlock ignition. Breech loading single shot rifles must have exposed hammers and use metallic cartridges.

For the purposes of this Public Notice, a ‘black powder substitute’ is defined as a substance designed, manufactured and specifically intended to be used as a propellant in muzzleloading or other black powder firearms, excluding modern smokeless powder.

The requirement to purchase and possess a separate crossbow, archery and/or primitive weapon hunting license, as set forth in Miss. Code Ann. §49-7-37(6), shall apply during the special open seasons for hunting deer with bow and arrow, crossbow and /or primitive firearms as set forth in Miss. Code Ann. §49-7-31. Nothing contained herein shall be construed as prohibiting the use of a primitive firearm, with or without telescopic sights, or bow and arrow, for the hunting of

deer during the regular open gun season(s) for deer, or as a requirement for having the separate primitive firearm license at any time except during the special open season for primitive weapons. However, only bow and arrow or a primitive firearm, as defined herein, and crossbows(as set forth in Miss. Code Ann. §49-7-38), may be used to hunt deer during the primitive weapons season, as set forth in Miss. Code Ann. §49-7-31. No firearms, primitive or otherwise, or crossbows (by GENERAL licensees) may be used for the hunting of deer during the special open season(s) for hunting deer with bow and arrow as set forth in Miss. Code Ann. §49-7-31.


Anyone wishing to comment on the above proposed action may do so in writing to the Executive Director, Mississippi Department of Wildlife, Fisheries and Parks, 1505 Eastover Drive, Jackson, MS 39211-6374 no later than August 29, 2005.

MISSISSIPPI COMMISSION ON
WILDLIFE, FISHERIES AND PARKS



Noble Lee, Chairman

MISSISSIPPI DEPARTMENT OF
WILDLIFE, FISHERIES AND PARKS



Sam Polles, Ph.D., Executive Director

